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Report of the Secretary-General concerning the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1311 (2000) of 28 July 2000, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 2001. It provides an update of the situation in Abkhazia, Georgia, since my report of 25 October 2000 (S/2000/1023).

2. My Special Representative for Georgia, Dieter Boden, continues to head UNOMIG. He is assisted in this task by the Chief Military Observer, Major-General Anis Ahmed Bajwa (Pakistan). The strength of UNOMIG, as at 10 January 2001, stood at 103 military observers (see annex I).

II. Political aspects

3. During the reporting period, my Special Representative, in cooperation with the Russian Federation as facilitator, the members of the group of Friends of the Secretary-General for Georgia and the Organization for Security and Cooperation in Europe (OSCE), continued his efforts in pursuit of a comprehensive political settlement of the conflict in Abkhazia. He worked on the issue of the future political status of Abkhazia within the State of Georgia, the improvement of the security situation, the return of refugees to the Gali district as a first step towards the return of all refugees, the economic rehabilitation of Abkhazia and confidence-building. As a result, the Coordinating Council mechanism was improved and the network of security arrangements in the Mission's area of responsibility was strengthened.

4. In November, my Special Representative visited Moscow for consultations. Despite his efforts there and numerous top-level meetings with the parties to the conflict, no substantive progress was made on the draft document for the distribution of competencies between Tbilisi and Sukhumi (see S/2000/697, para. 5). The group of Friends of the Secretary-General, whose support for the draft document is indispensable, has yet to arrive at a coordinated position. Meanwhile, the Abkhaz side continues to refuse to discuss any document that would address the status issue.

5. At the invitation of the Government of Ukraine, a third high-level Meeting on Confidence-building Measures was originally to have been convened in Yalta, Ukraine, at the end of November (see S/2000/1023, para. 6). However, disagreements between the Georgian and Abkhaz sides regarding its agenda and a concluding document necessitated further consultations. Efforts by my Special Representative and the Russian Federation have resulted in a commitment of both sides to meet in Yalta in March 2001.

6. The eleventh session of the Coordinating Council of the Georgian and Abkhaz sides was held on 24 October in Tbilisi under the chairmanship of my Special Representative. The session confirmed the reactivation of the Council's Working Group 1 on security matters, whose recommendations were adopted. The Working Group subsequently met in its sixth session on 13 December in Sukhumi (see para. 11 below). After an interruption of almost three years, Working Group III on social and economic questions held its third session on 5 December in Tbilisi. Agreement was reached on a number of specific projects aimed at rehabilitating the communications

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systems in the zone of conflict and adjacent areas. These projects will be submitted for consideration to the Coordinating Council at its twelfth session. Efforts to convene Working Group II on refugees are continuing.

7. From 14 to 18 November 2000, Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations, visited the UNOMIG area of operations in order to review the Mission's work and the ongoing peace efforts. Mr. Annabi, together with my Special Representative, was received by President Eduard Shevardnadze and met with other representatives of the Georgian and Abkhaz sides, the representatives of the group of Friends, the Commander of the peacekeeping force of the Commonwealth of Independent States (CIS) and local non-governmental organizations.

8. Under the aegis of the United Nations, a joint assessment mission led by the head of the United Nations human rights office was carried out in the Gali district between 20 and 24 November, in close cooperation with OSCE and with the participation of experts from, inter alia, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Council of Europe. The purpose of the mission was to evaluate conditions for the safe, secure and dignified return of refugees and internally displaced persons to the district. The mission, in its preliminary findings (see annex II), recommended that my Special Representative explore the opening in Gali city of a branch office of the United Nations human rights office; consider with the two sides how to improve law enforcement training and further integration of the local population in the law enforcement structures; seek broader cooperation between the law enforcement organs of both sides; and assist in finding a non-discriminatory solution to the question of the language of instruction in Gali district schools. On 27 and 28 November, at the invitation of the OSCE Chairperson-in-Office, my Special Representative attended the OSCE Ministerial Meeting in Vienna to inform participants about the mission.

9. UNOMIG continues to provide advice, good offices and logistical assistance for projects aimed at building confidence between the Georgian and Abkhaz sides. In the period between January and October 2000, more than 1,500 persons — government officials, members of the diplomatic community, representatives of non-governmental organizations and journalists — benefited from the Mission's logistical assistance in support of efforts aimed at contributing to a peaceful settlement of the conflict. During the reporting period, these included, inter alia, Georgian and Abkhaz journalists who participated in the second training session offered by journalists of the British Broadcasting Corporation in Tbilisi on 9 and 10 December (see also S/2000/697, para. 9). There was also a meeting in Sukhumi of Georgian and Abkhaz organizations of the handicapped, and a visit to Sukhumi on 27 December of a team from Georgian State Television to prepare a special New Year's broadcast. The Georgian/Abkhaz Coordinating Commission and its Executive Secretary, Zurab Lakerbaia, have also contributed substantially to the efforts with a number of projects related to confidence-building, economic cooperation and humanitarian assistance.

III. Operations of the United Nations Observer Mission in Georgia

10. UNOMIG continues to carry out several ground patrols each day from the mission headquarters in Sukhumi and the two sector headquarters in Gali and Zugdidi, as well as almost daily helicopter patrols. In this way, UNOMIG is able to cover its entire area of responsibility and to monitor adequately the two sides' compliance with the 1994 Moscow ceasefire agreement. However, following the three-day abduction of two UNOMIG military observers in December 2000 in the Kodori Valley (see para. 17 below), patrolling in the valley was suspended for security reasons.

11. As mentioned above, the sixth session of Working Group I of the Coordinating Council dealing with security matters was held on 13 December under the chairmanship of the Chief Military Observer and with the participation of representatives of the Georgian and Abkhaz sides and the CIS peacekeeping force. Agreement was reached on the need to modify slightly the boundaries of the restricted weapons zone so as to exclude exercise areas used by the Georgian and Abkhaz sides, which are situated on the fringes of the zone. Working Group I also considered a proposal that a joint information centre be established for the purpose of collecting and providing information on criminal activity in the zone of conflict.

12. During the reporting period, the Joint Fact-finding Group continued its activities and met regularly. Efforts are under way to ensure that its potential is fully realized, particularly with regard to the speed of its reaction and the follow-up of its findings. The establishment of the joint information centre mentioned in the preceding paragraph could be a step in this direction.

IV. Situation on the ground

13. The general situation in the conflict zone during the reporting period remained mostly calm but very volatile, despite emerging indications of stability generated by improvements in the security network and stricter adherence by the parties to security arrangements adopted earlier.

14. Criminality and partisan activities continued to be a major destabilizing factor affecting the overall situation. Local inhabitants, particularly in the Gali sector, repeatedly complained about the presence of armed groups, which terrorize and intimidate the population. Despite increased patrols by the Abkhaz militia and the formation of additional village guards, the situation remained tense. Furthermore, Abkhaz militia, as well as CIS peacekeepers themselves, often became targets of armed attacks. UNOMIG continued to urge the Georgian and Abkhaz sides to increase their efforts at curbing criminality and to cooperate in good faith using the means provided by the Coordinating Council mechanism.

15. The most serious violation of the agreement on a ceasefire and separation of forces was an Abkhaz military exercise on 9 and 10 November at the training area near Ochamchira, which involved the use of heavy weapons. In connection with the exercise, the Abkhaz authorities, on 8 December, prohibited UNOMIG, as well as CIS peacekeeping forces, from flying over the area. No response has been received yet to the formal protest of UNOMIG to the Abkhaz authorities, but Abkhaz leader Vladislav Ardzinba, in a meeting with my Special Representative, insisted on the legality of the exercise and did not exclude a repetition. This matter will be taken up further with the Abkhaz side. In another violation of the ceasefire agreement, a detachment from the Abkhaz armed forces was deployed from 21 to 28 November in a village in the security zone. Following the protest of UNOMIG, the detachment was withdrawn. UNOMIG continues to monitor the situation.

V. Security situation

16. While partisan activities continue to be of concern, the main threat to the security and safety of UNOMIG personnel is the high level of criminality in the area of conflict and the inability of local law enforcement agencies to deal with the problem effectively. The inadequacies of Abkhaz law enforcement are particularly evident in the lower Gali security zone, while the Georgian authorities do not seem to exercise full control over the upper part of the Kodori Valley.

17. The most serious security incident during the period occurred, for the third time in 14 months, in the Kodori Valley. On 10 December, two UNOMIG vehicles returning from patrol in the lower part of the valley, which is under Abkhaz control, were ambushed near the last, newly established checkpoint of the CIS peacekeepers. One vehicle was stopped, and two UNOMIG military observers were abducted by unidentified armed individuals and moved to the upper part of the valley — which is under Georgian control — where they were held for three days. During the incident, my Special Representative and the Chief Military Observer maintained close contact at the highest level with the Georgian Government and the Abkhaz authorities, as well as with the Commander of the CIS peacekeeping force. President Shevardnadze sent his Special Representative to the Kodori Valley to negotiate the release of the abducted personnel. These efforts proved successful when the two military observers were released on 13 December. UNOMIG has been assured by the Georgian side that no ransom was paid. Following the incident, my Special Representative reminded the Georgian side that no one had yet been brought to justice in the wake of similar deeds in the Kodori Valley in October 1999 and June 2000, and that this climate of impunity could not be allowed to continue.

18. During the reporting period, UNOMIG witnessed an increase in demonstrations and blocking of roads by internally displaced persons in the Zugdidi sector. The demonstrators demanded payment of allowances and subsidies and the delivery of humanitarian assistance by the Georgian authorities. On 21 November, a UNOMIG patrol was detained for more than an hour by

a demonstration north of Zugdidi, and, on 27 December, a demonstration was held outside the UNOMIG Zugdidi sector headquarters demanding United Nations mediation of the issue.

VI. Cooperation with the collective peacekeeping forces of the Commonwealth of Independent States

19. Cooperation between UNOMIG and the CIS peacekeeping force remains very close. During the hostage-taking incident in December, the CIS peacekeepers responded promptly to the Mission's request for assistance by dispatching an armoured vehicle to the area of the incident and conducting a search. Earlier, UNOMIG and the CIS peacekeepers had worked in close cooperation on the construction of a new checkpoint close to the ceasefire line in the Kodori Valley. In order to improve security, UNOMIG and the CIS peacekeeping force continue to exchange information, particularly with respect to incident investigations.

VII. Humanitarian situation and human rights

20. During the reporting period, the grave humanitarian situation and the activities of the humanitarian agencies in Abkhazia, Georgia, remained as reported previously (see S/2000/1023, paras. 21 and 22).

21. UNHCR remains ready to provide reintegration assistance to returnees in the security zone should the Abkhaz and Georgian sides agree on and implement steps towards tangibly improving the security situation further to the security arrangements already established in the Coordinating Council framework. However, for the time being, criminality and sporadic paramilitary activities continue to raise concerns about the safety of the sizeable population that has already returned spontaneously despite the security threats, and of United Nations civilian personnel. There are continuing consultations by UNHCR with the two sides, initiated at the request of my Special Representative, to explore conditions for a constructive meeting of Working Group II on refugees and internally displaced persons, which could help address this situation. In addition to security concerns, the current financial situation of UNHCR makes it difficult to ensure an adequate deployment of staff in the zone of conflict. However, efforts are being made for a limited resumption of protection-monitoring activities by UNHCR staff in accessible parts of the security zone.

22. The Government of Georgia and the humanitarian agencies continued to work towards the implementation of the "new approach" to assistance for internally displaced persons, whereby those persons are treated like all other citizens of Georgia and are provided with aid at the location of displacement, pending their eventual return (see S/2000/345, para. 24).

23. The human rights situation of returnees in the Gali district remains precarious. Several violations of the right to life and physical integrity, as well as the right to liberty and security of the person, were registered. The presence of illegal armed groups remained a matter of great concern. The killing on 15 August of Zurab Achba (see S/2000/1023, para. 25) remains unresolved. In this environment, the United Nations human rights office in Sukhumi continued its activities in various fields: visiting prison inmates and inspecting their condition, building capacity of local non-governmental organizations, monitoring criminal trials and carrying out human rights education and training programmes, such as the recent seminar for law-enforcement officials. The establishment of a branch office in Gali is still pending, but was recommended in the preliminary findings of the joint assessment mission and will hopefully be possible with the consent of all parties concerned. Meanwhile, staff from the human rights office in Sukhumi visits the Gali region regularly.

VIII. Financial aspects

24. By its resolution 54/271 of 15 June 2000, the General Assembly appropriated an amount of $30,048,197 (gross), equivalent to $2,504,016 per month, for UNOMIG for the period from 1 July 2000 to 30 June 2001. The assessment of these amounts is subject to any decision by the Security Council to extend the mandate of the Mission.

25. Should the Security Council decide to extend the mandate of UNOMIG beyond 31 January 2001, as

recommended in paragraph 34 below, the cost of maintaining the Mission until 30 June 2001 would be limited to the monthly amounts approved by the General Assembly. I shall report to the Assembly on the additional resources needed, if any, for the maintenance of the Mission beyond 30 June 2001.

26. As at 31 December 2000, unpaid assessed contributions to the special account for UNOMIG amounted to $16.1 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1.9 billion.

IX. Observations

27. The continued lack of progress on the fundamental issue of the future political status of Abkhazia within the State of Georgia is regrettable and could jeopardize the whole peace process in the future. Both sides must show a stronger political will in order to overcome the present impasse. I appeal, in particular, to the Abkhaz side to demonstrate more flexibility and willingness to address the core political questions of the conflict. In this connection, the draft document on basic principles for the distribution of competencies between Tbilisi and Sukhumi should be finalized at the earliest time so that it can be presented to the parties by my Special Representative and the group of Friends of the Secretary-General. In order to move forward, a consensus position of the group of Friends on the draft document is essential.

28. The situation of refugees and internally displaced persons is another issue of serious concern. As a significant first step towards a solution of this problem, both sides should engage in meaningful action in order to enable the return of people to the Gali district in conditions of dignity, safety and security. In this context, I welcome the cooperation extended by both sides to facilitate the recent joint assessment mission to the Gali district. I urge the parties to assist also in the implementation of the mission's recommendations.

29. The absence of effective law enforcement and the continuing extreme economic hardship in the UNOMIG area of operations contribute to the overall volatility of the situation, which, if not remedied, might deteriorate. Bearing that in mind, and in the light of the obligation of UNOMIG under its mandate to "contribute to conditions conducive to the safe and orderly return of refugees and displaced persons", the Mission will, together with the Resident Coordinator and Humanitarian Coordinator, explore the possibilities for increasing humanitarian aid to the population, including by allocating in the UNOMIG budget a sum for limited ad hoc assistance.

30. It is hoped that the third Meeting on Confidence-building Measures now planned for March 2001 in Yalta will facilitate the much-needed process of reconciliation and strengthen the ongoing positive trend towards establishing and developing mutual contacts at various levels between both sides, thus contributing to mutual understanding and confidence. Both sides should seriously consider the positive impact which confidence-building measures can have on the peace process.

31. The restrictions imposed by the Abkhaz authorities on the Mission's freedom of movement constitute a violation of the Agreement on a Ceasefire and Separation of Forces of 14 May 1994 (S/1994/583 and Corr.1, annex I), as well as of the principles guiding United Nations peacekeeping operations. For UNOMIG to be fully effective on the ground, the Abkhaz side has to fully respect the Mission's freedom of movement at all times.

32. The Georgian and the Abkhaz sides bear the primary responsibility for the security of UNOMIG military and civilian personnel. They have the obligation to ensure an environment that will allow UNOMIG to carry out its mandate properly. Recurrent abductions, the most recent of which occurred on 10 December, and the rampant criminality in the zone of conflict give rise to serious concern. The two sides should make it a priority to improve cooperation between their law enforcement agencies. They should also implement still more resolutely the measures agreed upon in the framework of the Coordinating Council.

33. In the same context, I appeal to the Government of Georgia to bring to justice the perpetrators of the hostage-taking incidents of October 1999, June 2000 and December 2000. Security can be fully restored only if it is made clear that these acts are not allowed to pass with impunity. The Georgian side also needs to create the necessary security conditions in the upper part of the Kodori Valley to allow UNOMIG to fully carry out its mandate in this area.

34. I remain convinced that UNOMIG, through its monitoring presence on the ground, plays a crucial role

in the stabilization of the zone of conflict. Its sustained efforts to further the negotiation process also represent a central element in the search for a peaceful settlement of the conflict. I therefore recommend that the mandate of UNOMIG be extended for a further six-month period, until 31 July 2001.

35. My Special Representative, the Chief Military Observer and the men and women of UNOMIG are to be commended for their dedication to the cause of peace and for their steadfastness in carrying out their challenging and sometimes dangerous tasks.

Annex I

United Nations Observer Mission in Georgia: contributions as at 10 January 2001

Country	*Military observers*
Albania	1
Austria	3[a]
Bangladesh	7
Czech Republic	5
Denmark	5
Egypt	3
France	3
Germany	11
Greece	4
Hungary	7
Indonesia	4
Jordan	6
Pakistan	8[b]
Poland	4
Republic of Korea	3
Russian Federation	3
Sweden	5
Switzerland	4
Turkey	5
United Kingdom of Great Britain and Northern Ireland	7
Uruguay	3
United States of America	2
Total	**103**

[a] Including the Deputy Chief Military Observer.
[b] Including the Chief Military Observer.

Annex II

Joint assessment mission to the Gali district

(20-24 November 2000)

From 20 to 24 November 2000, the joint assessment mission to the Gali district was carried out, under the aegis of the United Nations and within the framework of the United Nations-led Geneva peace process for the settlement of the conflict in Abkhazia, Georgia. The mission evaluated conditions relevant to the safe, secure and dignified return of refugees and internally displaced persons to the Gali district, including those who have already returned. It was envisaged that those efforts would foster greater international support for the process of return and contribute to the general stability in the area.

The mission, carried out at the expert level, was led by the head of the United Nations Human Rights Office in Abkhazia, Georgia, and the deputy head of the mission was a member of the Organization for Security and Cooperation in Europe (OSCE) mission to Georgia. The United Nations Observer Mission in Georgia (UNOMIG), the Office of the United Nations High Commissioner for Refugees, United Nations Headquarters in New York, the Office for Democratic Institutions and Human Rights, the OSCE Office of the High Commissioner for National Minorities, the Council of Europe and the European Commission also provided representatives, and a representative of the International Committee of the Red Cross was present as an observer. Logistical support was provided by UNOMIG.

Before the mission commenced its work, the Special Representative of the Secretary-General, in cooperation with the head of the OSCE mission in Georgia, carried out consultations with the Georgian and Abkhaz sides and agreed on the terms of reference for the mission. In addition, the United Nations held close consultations with the Abkhaz side concerning the programme for the work of the mission.

In the course of its work, the mission met with the head of administration of the Gali district and other district-level officials. It visited all 24 villages of the Gali district and spoke with the heads of administration of the villages, members of the Abkhaz law enforcement agencies, the Commonwealth of Independent States peacekeeping force, school directors and teachers, health officials, members of village self-defence units and local residents. The mission also talked to district-level representatives of the Autonomous Republic of Abkhazia government-in-exile, who are based in Zugdidi.

Preliminary information and ideas resulting from the mission's work follow, pending the submission of its final report and recommendations.

Preliminary information

United Nations Human Rights Office in Abkhazia, Georgia, branch office

The mission found that the human rights situation throughout the Gali district was precarious. On this basis, the mission would find it useful for the Special Representative of the Secretary-General to seek the consent of the Georgian and Abkhaz sides to the opening in Gali of a branch office of the United Nations Human

Rights Office in Abkhazia, Georgia. "Consent" should be understood as more than mere acquiescence. It should include active support and facilitation by both sides and the acceptance of accountability by the Abkhaz side for the responsiveness of the Gali district-level partners of the branch office staff. The branch office would function on the basis of the same mandate as the United Nations Human Rights Office. As a part of the implementation of this mandate, the Office would formulate proposals for improving the overall human rights situation in the Gali district for possible submission by the Special Representative of the Secretary-General to the two sides.

Law enforcement

The mission has found that while many interlocutors report that the overall security situation has improved in recent months, there is still a lack of effective law enforcement throughout the Gali district. Possible modalities for redressing the situation may include improved training; further integration of the local population into law enforcement structures; and broader cooperation between the respective law enforcement organs of the Georgian and Abkhaz sides operating on either side of the ceasefire line. The mission recommends that the Special Representative seek additional expertise on this matter, with a view to putting forward concrete proposals to the two sides. As a first step in this direction, the Special Representative may wish to consider including as a staff member of the Gali branch of the Human Rights Office an expert in the field of law enforcement.

Language of education

The mission found that teachers and parents of school-age children in the Gali district are dissatisfied with current policies and practices governing the language of education used in Gali district schools, as a result of which many students receive only an incomplete education. Furthermore, the practices in place create obstacles for those students who wish to seek further higher education. If the present course is pursued, it might result in a situation in which some higher-level subjects, required for graduation, cannot be competently taught, and schools might then be wholly unable to grant diplomas. The mission notes that the Special Representative has engaged in consultations with the Georgian and Abkhaz sides and facilitated bilateral talks between the sides on this matter. It urges him to continue, and also to explore, at an appropriate stage, the possibilities for the provision of concrete assistance by other international organizations. The mission urges the two sides to find the political will to reach a compromise and resolve this matter in the nearest future.

Social infrastructure

The mission gained the impression that basic aspects of social infrastructure, such as health care, water supply, electricity, educational facilities and public transportation, were in poor condition. While primary responsibility for the provision of social services rests with the Administration, the Special Representative may wish to consider with relevant international and non-governmental organizations possibilities for addressing and improving those conditions.

Civil society

The mission identified some noteworthy local efforts to organize as a community, particularly in the field of education. On the whole, however, the mission found that civil society was extremely weak. The mission would suggest that the Special Representative bear this issue in mind and raise it as appropriate with those in a position to help.

Security climate

The mission found that most interlocutors reported that the overall security climate had improved in recent months, but at the same time remained precarious. In this context, the mission suggested that the Special Representative continue to urge the two sides to implement the provisions of the agreements they had reached on security matters and to continue their active contacts in this field through direct bilateral meetings and the weekly quadripartite meetings as necessary.

Reintegration of returnees

The mission noted the view of many of its interlocutors that the local population of the Gali district was currently under-represented in various structures of local administration. The mission recommends that the Special Representative continue to raise this issue with the relevant authorities and to urge further reintegration of the returnee population, while stressing that measures of a compulsory nature should be discouraged.

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